

**REGULAR CITY COUNCIL MEETING
FRISCO MUNICIPAL COMPLEX
8750 MCKINNEY ROAD
COUNCIL CHAMBERS
FRISCO, TEXAS 75034**

**Immediately Following the
Frisco Square Municipal Management District
Board of Directors Meeting**

May 21, 2002

MINUTES

1. Call to Order/Roll Call.

Mayor Simpson called the meeting to order at 6:35 p.m. and announced that there was a quorum present. The following City Councilmembers were present: Mayor Mike Simpson, Mayor Pro Tem Tracie Reveal, Deputy Mayor Pro Tem Maher Maso, Councilmember Bob Allen, Councilmember Joy West, and Councilmember Matt Lafata.

Councilmember Steve Nichols was absent due to illness.

Staff present: City Manager George Purefoy, Assistant City Manager Scott Young, Interim Assistant City Manager Jason Gray, City Secretary Nan Parker, Director of Planning John Lettellier, City Engineer Frank Jaromin, and City Attorney Richard Abernathy.

2. Invocation.

Reverend Russell Floyd of First Methodist Church of Frisco delivered the invocation.

3. Pledge of Allegiance.

Deputy Mayor Pro Tem Maso led the pledge of allegiance.

4. Citizen Input. (To begin approximately at 7:30 p.m.)

Shirley Dillman announced the Memorial Day celebration.

5. Reports.

A. Check Presentation from North Texas Clean Air Coalition to City of Frisco.

Don Lamper of North Texas Clean Air Coalition presented a check to Jeff Witt, City Planner. Mr. Witt reported that Joel Trainer, City Planner, applied for the grant.

B. Public Works Monthly Report

Deputy Mayor Pro Tem Maso requested an update on security measures on water plants. Director of Public Works Gary Hartwell updated the City Council on radio transmitters on water meters and stated that it allows meter reader to drive down streets and read. Mr. Hartwell explained that there are 90 meters just around the mall.

C. Monthly Financial Report

Mayor Pro Tem Reveal asked why the revenues are down. Director of Administrative Services Nell Lange responded the reason is CoServ. Ms. Reveal also asked why the miscellaneous expenses are up. Ms. Lange stated that it is due to the tower lease.

Deputy Mayor Pro Tem Maso asked the about the sales tax being up 17%.

Mayor Pro Tem Reveal asked about the inspections being up. Deputy Mayor Pro Tem Maso stated that he was concerned about one individual being out then decreases workload to be discussed at the Glen Rose Work Session in June.

6. Consent Agenda:

The consent agenda was considered for approval. Mayor Pro Tem Reveal moved to approve the consent as presented. After a second by Deputy Mayor Pro Tem Maso, the motion was approved by a vote of 5-0.

- A. Approval of minutes of the April 2, 2002, April 16, 2002, May 7, 2002 Regular City Council Meetings; and the May 7, 2002 Special Called Meeting of the Planning & Zoning Commission and City Council. (City Secretary)
- B. Approval of pay estimate number 10 in the amount of \$76,737.96 to Tiseo Paving Company for Rolater Road Phase 5, Project Number CV-0356. (Engineering)

- C. Approval of pay estimate number 5 in the amount of \$166,615.91 to S.J. Louis Construction of Texas Ltd., L.L.P. for Custer Road 30" Water Main, Project CV-0048. (Engineering)
- D. Approval of pay advance number 7 in the amount of \$1,431,169.20 to H.C. Beck, Ltd. for reimbursement for development of the improvements to the Frisco Sports Complex. (City Manager's Office/SY)
- E. Adoption of **Resolution No. 02-05-88R** authorizing the City Manager to execute an Agreement for Funding of the Clean Vehicle Program by and between the State of Texas and the Texas Department of Transportation. (Public Works)
- F. Approval of the purchase of one 2002 GMC 6-8 cubic yard dump truck in the amount of \$50,360.00 and one 2003 Sterling LT 7500 12-14 cubic yard dump truck in the amount of \$67,905.00 for the Utilities Division. (Public Works)
- G. Approval of an Agreement of a promotional agreement with KLUV 98.7 Radio Station for the Frisco Centennial Celebration on July 4, 2002 and adopt **Resolution No. 02-05-89R** authorizing the City Manager to execute the Agreement by and between the City of Frisco and Infinity Broadcasting Corp. of Dallas. (Communications Division)
- H. Award bid number 0204-014 for Miscellaneous Sanitary Sewer Improvements, Control Valve, and PRV Valve and Vault in the amount of \$827,400.00. (Development Services)
- I. Approval to purchase of one 2002 Dodge 1500 Regular Cab Pick-Up Truck for \$16,733.10 for the Building Inspections Division. (Development Services)
- J. Approval of a price agreement with Neptune Technology Group, Inc. for purchasing meters and appurtenances from Hughes Supply. (City Manager's Office/KH)
- K. Approval of Tax Refunds over \$500.00 (Tax Department)
- L. Approval of payment of invoice number 15 to Architects Phelps/Wood in the amount of \$2,487.50 for a partial payment of Fire Station 4. (Fire Department)
- M. Approval of the Review and Acceptance of Quarterly Investment Report. (Administrative Services)

- N. Approval for the change order for increased professional services for the Senior Adults Building. (Parks and Recreation)
- O. Approval of awarding additional funds in the amount of \$628,324.96 for Phase I Municipal Management District Improvements to Mario Sinacola and Sons for Frisco Square Management District. (City Manager's Office/SY)
- P. Acceptance the North Central Texas Council of Government's 2002 Population Estimates. (Planning)
- Q. Adoption of **Resolution No. 02-05-90R** authorizing the City Manager to execute an Agreement for an Energy Conservation Management Policy by and between the City of Frisco and the State Energy Conservation Office. (Planning)

7. Legislative Agenda:

The legislative agenda was considered for approval excluding item #A.

Mayor Pro Tem Reveal moved to pull item #A. After a second by Councilmember Allen, the motion was approved by a vote of 5-0.

Councilmember Lafata moved to approve the legislative agenda as presented, excluding item #A. After a second by Councilmember West, the motion was approved by a vote of 5-0.

- A. **A request to call a public hearing to amend the Comprehensive Zoning Ordinance to modify the exterior construction material requirements in the Original Town Residential and Original Town Commercial districts. (Planning Dept.)**

City Planner Jeff Witt stated that the exteriors of homes in OTR need to have wood façade to maintain the original look of OTR. He stated that brick destroys the look of the original concept.

Mayor Pro Tem Reveal moved to approve the request to call a public hearing. After a second by Councilmember Allen, the motion was approved by a vote of 5-0.

- B. A request to call a public hearing to amend the Comprehensive Zoning Ordinance to establish Downtown Architectural Design Standards. (Planning Dept.)

- C. Adoption of **Ordinance No. 02-05-66** of the City of Frisco, Texas, amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; Rezoning a tract of land consisting of 4.094 acres from Single Family 5 (SF-5) to Original Town Residential (OTR) (Z2002-0006) (Planning Dept.)
- D. Adoption of **Ordinance No. 02-05-67** of the City of Frisco, Texas, amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01; granting a Specific Use Permit for new automobile sales and leasing on 34.7+/- acres on the northeast corner of S.H. 121 and Hillcrest Road. (SUP2002-0002 – Hillcrest – 121 Auto Dealership) (Planning Dept.)
- E. Adoption of **Ordinance No. 02-05-68** approving Annexation: Frisco Independent School District and the City of Frisco, Case IA2002-15. (City Secretary)

Regular Agenda:

8. **Presentation of the fiscal year 2001 Annual Audit. (Administrative Services)**

Councilmember Allen asked about the asset tracking and procurement costs.

It was the consensus of the City Council to discuss this at the Glen Rose Work Session in June.

Discussion only, no formal action taken.

9. **Approval of First Amendment to an Agreement between City of Frisco and Stonebriar Creek Property Owners and approve a Resolution authorizing the City Manager to execute the Agreement. (City Manager/GP)**

It was requested that a change be made to the amendment of the agreement to reflect that Stonebriar Creek has asked not to be annexed until December of this year and that Stonebriar Creek has agreed to pay for the remodeling of the bridge that crosses the creek leading to Mr. Margolis' home.

Mayor Pro Tem Reveal moved to **table the amendment of the agreement until the June 4, 2002 City Council meeting**. After a second by Councilmember West, the motion was approved by a vote of 5-0.

10. Preliminary Site Plan: Rack Daddy's/Preston 10 Investors, Four restaurant buildings on four lots on 7.2± acres on the east side of Preston Road, 800± feet south of Preston Vineyard Drive. Zoned Commercial-1. Neighborhood #24. Applicant: Preston 10 Investors, Ltd. Tabled 05/07/02 (Planning Dept.)

Councilmember Lafata moved to remove the item from the table. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 5-0.

City Planner Jeff Witt reported that revised plans were submitted.

Mayor Pro Tem Reveal moved to approve the preliminary site plan subject to the following:

1. 100' stacking;
2. 180' transition;
3. 90' deceleration lanes;
4. deceleration subject to TxDOT approval;
5. limited dead-end parking;
6. slip road for landscape along Preston Road; and
7. comply with city standards on all roads.

After a second by Councilmember West, the motion was approved by a vote of 5-0.

11. Public Hearing: Zoning Case ZA2002-0016. A request to consider amending the Comprehensive Zoning Ordinance regarding the regulation of beer and wine package sales establishments. Applicant: City of Frisco (Planning Dept.)

Deputy Mayor Pro Tem Maso moved to recess into closed session at 7:10 p.m. under Section 551.071 for private consultation with the attorney for the City. After a second by Councilmember West, the motion was approved by a vote of 5-0.

Deputy Mayor Pro Tem Maso moved to reconvene into open session at 7:50 p.m. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 5-0.

Director of Planning John Lettellier updated the City Council on the Planning & Zoning recommendations and the request had been approved 5-0.

Councilmember West moved to open the public hearing. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 5-0.

Michael Osuna spoke against the request.

Vince Barnes, representing Real Facts SPAC, spoke against the request.

Mike Nowels spoke in favor of the request.

Linda Thompson spoke in favor of the request.

There being no one else to speak in favor or against the item, Mayor Pro Tem Reveal moved to close the public hearing. After a second by Councilmember West, the motion was approved by a vote of 5-0.

Deputy Mayor Pro Tem Maso moved to **table the public hearing until the June 4, 2002 City Council meeting**. After a second by Councilmember Lafata, the motion was approved by a vote of 4-1, with Mayor Pro Tem Reveal in opposition.

12. **Approval of an Agreement for Library Facilities and Programming Master Plan Services by and between the City of Frisco and Providence Associates, Inc. and approve a Resolution authorizing the City Manager to execute the Agreement. (Library/JG)**

Interim Assistant City Manager Jason Gray recommended to table the item to the next City Council meeting.

Councilmember Allen moved to **table the item to the June 4, 2002 City Council meeting**. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 5-0.

13. **Approval of fiscal year 2002 Budget Amendments. (City Manager's Office/JG)**

Councilmember Allen moved to adopt **Ordinance No. 02-05-69** approving the fiscal year 2002 budget amendments. After a second by Councilmember Lafata, the motion was approved by a vote of 5-0.

14. **Appointment of an individual to the North Texas Municipal Water District Board. (City Secretary)**

Councilmember Allen moved to appointment Curt Balogh to serve from 2002 to 2004. After a second by Councilmember West, the motion was approved by a vote of 5-0.

15. **Appointment of Planning and Zoning Commissioners to fill current vacancies. (Planning)**

Councilmember West moved to nominate Buddy Minett. After a second by Mayor Pro Tem Reveal, the motion was approved by a vote of 5-0.

Mayor Pro Tem Reveal moved approve the appointment of Mr. Minett. After a second by Councilmember West, the motion was approved by a vote of 5-0.

Deputy Mayor Pro Tem Maso moved to nominate Jon Ferguson. After a second by Councilmember Lafata, the motion was denied by a vote of 2-3, with Mayor Pro Tem Reveal, Councilmember West, and Councilmember Allen in opposition.

Mayor Pro Tem Reveal moved to nominate Michael Osuna. After a second by Councilmember West, the motion was approved by a vote 3-2, with Deputy Mayor Pro Tem Maso and Councilmember Lafata in opposition.

Mayor Pro Tem Reveal moved to cease nominations. After a second by Councilwoman West, the motion was approved by a vote of 5-0.

Temporary appointments to the Planning & Zoning Commission are Michael Osuna and Buddy Minett.

16. Approval of participation on the Regional Emergency Management Planning Council (North Central Texas Council of Governments) and appoint an elected official to serve on the Planning Council and a staff member to serve on Technical Committees. (City Manager)

City Manager George Purefoy stated the reason for the participation is due to the September 11, 2001 events.

Mayor Pro Tem Reveal moved to appointment Mr. Purefoy, or his designee, and the Mayor, or his designee, to represent the City of Frisco. After a second by Councilmember Allen, the motion was approved by a vote of 5-0.

17. Adoption of an Ordinance of the City of Frisco, Texas, amending Frisco's Comprehensive Zoning Ordinance No. 00-11-01, creating Article I, Section 13 (Dormant Developments) (ZA2002-0013). (Planning Dept.)

Mayor Pro Tem Reveal moved to **table the item to the June 18, 2002 City Council meeting**. After a second by Councilmember Allen, the motion was approved by a vote of 5-0.

18. Discussion regarding media relations.

It was the consensus of the City Council to place this item on the June Work Session.

Discussion only, no formal action taken.

19. Governance Agenda:

A. Monthly Governance Monitoring Reports

The following reports were discussed:

1. Councilmember Lafata congratulated Police Chief Todd Renshaw and his department on the reduction of crime.
2. Senior Landscape Architect Dudley Raymond reported that all the trees within Central Park will be replaced by the end June with the pumps up and operational. He also reported that by the first of July, the city should be able to take the ownership of the park.
3. Schedule a joint work session with FISD.
4. Schedule a reception for the Parks & Recreation Board, Library Board, Housing Authority, and Urban Forestry Board.
5. Schedule interview meetings for the applicants for Planning & Zoning Commission, Community Development Corporation, and Economic Development Corporation.

20. Recess into Closed Session in compliance with Section 551.001 et. seq. Texas Government Code, to wit:

Councilmember Allen moved to recess into closed session at 9:15 p.m. After a second by Councilmember West, the motion was approved by a vote of 5-0.

Mayor Simpson announced the following items will be discussed in closed session:

- A. Section 551.086. Deliberation regarding commercial or financial information that the City has received from a business prospect and to deliberate the offer or other incentives to a business prospect.
- B. Section 551.072. To deliberate the purchase, exchange, lease or value of real property located:
 - i. south of Eldorado Parkway, north of Main Street, east of Teel Parkway, and west of SH 289.

- C. Case No. 2002-30043-211 in the Denton County District Court in the case of Steve Nichols, etal. v. Kathleen A. Seei.
- D. Section 551.071. Consultation with the attorney for the City regarding:
 - i. legal aspects of changes to zoning and subdivision regulations;
 - ii. legal aspects of zoning control;
- E. Section 551.074. Executive session to discuss duties of City Council members and to hear complaints against one or more City Council members.
- F. Section 551.074. Discussion with City Manager regarding staff performance.

Mayor Pro Tem Reveal moved to reconvene into open session at 10:15 p.m. After a second by Councilmember West, the motion was approved by a vote of 5-0.

21. City Council discussion with City Staff concerning any actions required by City Staff as a result of any item on tonight's agenda.

Mr. Purefoy to provide a separate list to Council.

22. Discussion on Governance Monitoring of present City Council Meeting.

No formal action was taken.

23. Adjourn.

There being no additional business, the meeting was adjourned at 10:30 p.m.

E. Michael Simpson, Mayor

ATTEST:

Nan Parker, City Secretary